

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**RUBEN LOPEZ CAZARES,
GENARO FAVALA RAMIREZ,
ELADEO FAVALA RAMIREZ,
HILARIO FELIX and
MANUEL GARCIA,**

Defendants.

8:05CR162

ORDER

This matter is before the court on the motion for an extension of time by defendants Ruben Lopez Cazares (Filing No. 81), Genaro Favala Ramirez (Filing No. 88), Eladeo Favala Ramirez (Filing No. 86) and Hilario Felix (Filing No. 87). Defendants seek an additional forty-five days in which to file pretrial motions in accordance with the progression order (Filing No. 55). Counsel for the defendants represent that counsel for the government has no objection to the motions. The defendants have filed an affidavit or their counsel represent that the defendants will file an affidavit wherein they consent to the motion and acknowledge they understand the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motions will be granted.

IT IS ORDERED:

The motions for an extension of time (Filing Nos. 81, 86, 87 and 88) are granted. All of the defendants are given until **on or before February 23, 2006**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 10, 2006 and February 23, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice.

18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 10th day of January, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge